
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0687.1/09

ATTY/TYPIST: LL:lel

BRIEF DESCRIPTION: Eliminating boards and commissions on June 30, 2011.

1 AN ACT Relating to eliminating boards and commissions on June 30,
2 2011; amending RCW 28C.18.050, 28C.18.090, 18.106.010, 18.106.040,
3 18.106.050, 18.106.070, 43.03.027, 43.03.028, 34.12.100, 42.17.370,
4 43.03.040, 43.63A.760, 18.250.010, 18.250.020, 18.250.060, 70.47.040,
5 43.70.665, 39.10.210, 39.10.230, 39.10.250, 39.10.270, 39.10.280,
6 39.10.290, 39.10.320, 39.10.350, 39.10.430, 39.10.460, 43.131.408,
7 39.04.350, 18.205.020, 18.205.060, 28A.300.520, 43.215.065, 72.09.495,
8 74.04.800, 74.13.031, 74.15.050, 74.15.060, 41.04.033, 41.04.0331,
9 41.04.0332, 43.101.380, 43.105.052, 72.23.025, 43.330.280, 43.160.060,
10 43.330.080, 43.330.250, 43.330.270, 82.33A.020, 39.102.040, 43.160.900,
11 43.330.050, 43.330.082, 43.330.310, 82.33A.010, 70.168.030, 70.168.050,
12 70.168.060, 70.168.130, 18.76.050, 38.52.030, 38.52.070, 38.52.240,
13 38.52.330, 46.48.170, 18.73.030, 18.73.101, 15.76.110, 15.76.150,
14 70.112.010, 70.112.020, 43.43.934, 43.43.962, 38.52.530, 49.26.120,
15 48.62.061, 41.05.035, 28B.76.280, 18.280.010, 18.280.030, 18.280.050,
16 18.280.060, 18.280.070, 18.280.080, 18.280.110, 18.280.120, 18.280.130,
17 43.330.090, 43.105.020, 43.105.041, 43.105.805, 43.105.820, 18.225.010,
18 18.225.040, 16.57.353, 18.50.045, 18.50.060, 18.50.105, 77.12.670,
19 77.08.045, 18.36A.020, 18.36A.080, 18.36A.110, 46.09.020, 43.30.820,
20 18.210.010, 18.210.050, 18.210.060, 70.118.110, 43.43.866, 43.10.240,
21 18.200.010, 18.200.050, 18.200.070, 13.60.110, 90.71.010, 90.71.210,

1 90.71.230, 90.71.240, 90.71.270, 90.71.310, 18.140.010, 18.140.030,
2 18.140.160, 18.140.170, 77.95.100, 77.95.180, 77.95.190, 82.58.020,
3 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 46.16.316, 46.16.715,
4 46.16.725, 46.16.745, 46.16.755, 46.16.775, 46.16.30901, 46.16.30903,
5 46.16.30905, 46.16.30907, 46.16.30909, 46.16.30911, 46.16.30913,
6 46.16.30914, 46.16.30916, 46.16.30918, 46.16.30920, 46.16.30922,
7 46.16.30924, 46.16.30926, 46.16.30928, 70.119A.180, 90.86.030,
8 18.104.040, 18.104.043, 18.104.049, 18.104.100, 18.104.200, 28C.04.390,
9 28C.04.420, and 43.15.020; amending 2007 c 465 s 3 (uncodified);
10 amending 2005 c 158 s 3 (uncodified); reenacting and amending RCW
11 74.15.030, 18.71.205, 77.12.690, and 46.16.233; creating new sections;
12 repealing RCW 28B.50.254, 18.106.110, 18.250.030, 39.10.220, 39.10.240,
13 39.10.260, 43.34.080, 18.205.080, 43.63A.068, 43.101.310, 43.101.315,
14 43.101.320, 43.101.325, 43.101.330, 43.101.335, 43.101.340, 43.101.345,
15 43.105.055, 70.198.010, 43.215.090, 43.162.005, 43.162.010, 43.162.015,
16 43.162.020, 43.162.025, 43.162.030, 70.168.020, 38.52.040, 18.73.040,
17 18.73.050, 15.76.170, 70.112.030, 70.112.040, 70.112.050, 43.43.932,
18 43.43.936, 70.105E.070, 70.105E.090, 48.62.051, 48.62.041, 28B.76.100,
19 18.280.040, 10.98.200, 10.98.210, 10.98.220, 10.98.230, 10.98.240,
20 43.105.800, 43.105.810, 18.225.060, 18.225.070, 16.57.015, 71.09.320,
21 18.50.140, 18.50.150, 77.12.680, 18.36A.070, 46.09.280, 18.210.040,
22 18.210.070, 70.118.100, 43.43.858, 43.43.860, 43.43.862, 43.43.864,
23 10.29.030, 10.29.040, 10.29.080, 10.29.090, 18.200.060, 72.09.800,
24 13.60.120, 42.56.140, 90.71.250, 18.140.230, 18.140.240, 18.140.250,
25 77.95.110, 77.95.120, 70.95.040, 70.95.050, 70.95.070, 70.105.060,
26 46.16.705, 50.12.200, 70.119A.160, 18.104.190, 27.34.360, 27.34.365,
27 27.34.370, 27.34.375, and 27.34.380; and providing an expiration date.

28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

29 NEW SECTION. **Sec. 1.** Intent. One of the key roles of advisory
30 boards, committees, and commissions is to provide input, advice and
31 recommendations from stakeholders, other interested parties, and the
32 public to state agencies. These advisory boards, committees, and
33 commissions may be abolished without detriment to the mission of the
34 agency each supports. Most of the advisory functions of these boards,
35 committees, and commissions can be performed without the administrative
36 costs of maintaining formal organizations. In the interest of building

1 a leaner, more efficient, and more responsible government, this vital
2 communications conduit must be maintained for the benefit of the state
3 and its citizens, through the use of modern communication technology.
4 It is the intent of this legislation that while advisory boards,
5 committees, and commissions be eliminated, agencies should identify
6 new, less costly, and more effective opportunities to ensure a broad
7 range of citizen participation is provided and that all reasonable
8 efforts are made to ensure that channels are maintained for vital input
9 from the citizens of Washington. In addition, by providing two years
10 before eliminating these entities, ample time is provided for the
11 advisory groups to complete work in progress and for agencies to
12 develop alternative communication strategies.

13 **Advisory Council on Adult Education**

14 NEW SECTION. **Sec. 2.** RCW 28B.50.254 (Advisory council on adult
15 education--Workforce training and education coordinating board to
16 monitor) and 1991 c 238 s 19 are each repealed.

17 **Sec. 3.** RCW 28C.18.050 and 1995 c 130 s 3 are each amended to read
18 as follows:

19 (1) The board shall be designated as the state board of vocational
20 education as provided for in P.L. 98-524, as amended, and shall perform
21 such functions as is necessary to comply with federal directives
22 pertaining to the provisions of such law.

23 (2) The board shall perform the functions of the human resource
24 investment council as provided for in the federal job training
25 partnership act, P.L. 97-300, as amended.

26 (3) The board shall provide policy advice for any federal act
27 pertaining to workforce development that is not required by state or
28 federal law to be provided by another state body.

29 (4) Upon enactment of new federal initiatives relating to workforce
30 development, the board shall advise the governor and the legislature on
31 mechanisms for integrating the federal initiatives into the state's
32 workforce development system and make recommendations on the
33 legislative or administrative measures necessary to streamline and
34 coordinate state efforts to meet federal guidelines.

1 (5) The board shall monitor for consistency with the state
2 comprehensive plan for workforce training and education the policies
3 and plans established by the state job training coordinating council((~~7~~
4 ~~the advisory council on adult education,~~)) and the Washington state
5 plan for adult basic education, and provide guidance for making such
6 policies and plans consistent with the state comprehensive plan for
7 workforce training and education.

8 **Sec. 4.** RCW 28C.18.090 and 1995 c 130 s 4 are each amended to read
9 as follows:

10 (1) The board shall specify, by December 31, 1995, the common core
11 data to be collected by the operating agencies of the state training
12 system and the standards for data collection and maintenance required
13 in RCW 28C.18.060(8).

14 (2) The minimum standards for program evaluation by operating
15 agencies required in RCW 28C.18.060(9) shall include biennial program
16 evaluations; the first of such evaluations shall be completed by the
17 operating agencies July 1, 1996. The program evaluation of adult basic
18 skills education shall be provided by the ((~~advisory council on adult~~
19 ~~education~~)) board.

20 (3) The board shall complete, by January 1, 1996, its first
21 outcome-based evaluation and, by September 1, 1996, its nonexperimental
22 net-impact and cost-benefit evaluations of the training system. The
23 outcome, net-impact, and cost-benefit evaluations shall for the first
24 evaluations, include evaluations of each of the following programs:
25 Secondary vocational-technical education, work-related adult basic
26 skills education, postsecondary workforce training, job training
27 partnership act titles II and III, as well as of the system as a whole.

28 (4) The board shall use the results of its outcome, net-impact, and
29 cost-benefit evaluations to develop and make recommendations to the
30 legislature and the governor for the modification, consolidation,
31 initiation, or elimination of workforce training and education programs
32 in the state.

33 The board shall perform the requirements of this section in
34 cooperation with the operating agencies.

1 contributions from community sources provide sufficient funds for
2 expanding the program.

3 (4) Funds appropriated for the state program shall be used only to
4 operate early detection breast and cervical cancer screening programs
5 that have been approved by the department, or to increase access to
6 existing state-approved programs, and shall not supplant federally
7 supported breast and cervical cancer early detection programs.

8 (5) Enrollment in the early detection breast and cervical cancer
9 screening program shall not result in expenditures that exceed the
10 amount that has been appropriated for the program in the operating
11 budget. If it appears that continued enrollment will result in
12 expenditures exceeding the appropriated level for a particular fiscal
13 year, the department may freeze new enrollment in the program. Nothing
14 in this section prevents the department from continuing enrollment in
15 the program if there are adequate private or public funds in addition
16 to those appropriated in the biennial budget to support the cost of
17 such enrollment.

18 ~~((6) The department shall establish a medical advisory committee~~
19 ~~composed of interested medical professionals and consumer liaisons with~~
20 ~~expertise in a variety of areas relevant to breast and cervical health~~
21 ~~to provide expert medical advice and guidance. The medical advisory~~
22 ~~committee shall address national, state, and local concerns regarding~~
23 ~~best practices in the field of early prevention and detection for~~
24 ~~breast and cervical cancer and assist the early detection breast and~~
25 ~~cervical cancer screening program in implementing program policy that~~
26 ~~follows the best practices of high quality health care for clinical,~~
27 ~~diagnostic, pathologic, radiological, and oncology services.))~~

28 Capital Projects Advisory Review Board and Project Review Committee

29 NEW SECTION. **Sec. 22.** The following acts or parts of acts are
30 each repealed:

31 (1) RCW 39.10.220 (Board--Membership--Vacancies) and 2007 c 494 s
32 102 & 2005 c 377 s 1;

33 (2) RCW 39.10.240 (Project review committee--Creation--Members) and
34 2007 c 494 s 104; and

1 (3) RCW 39.10.260 (Project review committee--Meetings--Open and
2 public) and 2007 c 494 s 106.

3 **Sec. 23.** RCW 39.10.210 and 2007 c 494 s 101 are each amended to
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) "Alternative public works contracting procedure" means the
8 design-build, general contractor/construction manager, and job order
9 contracting procedures authorized in RCW 39.10.300, 39.10.340, and
10 39.10.420, respectively.

11 ~~((2)) ("Board" means the capital projects advisory review board.~~

12 ~~((3)) "Committee" means the project review committee.~~

13 ~~((4))) "Department" means the department of general administration.~~

14 ((3)) "Design-build procedure" means a contract between a public body
15 and another party in which the party agrees to both design and build
16 the facility, portion of the facility, or other item specified in the
17 contract.

18 ~~((+5)))~~ ((4)) "Total contract cost" means the fixed amount for the
19 detailed specified general conditions work, the negotiated maximum
20 allowable construction cost, and the percent fee on the negotiated
21 maximum allowable construction cost.

22 ~~((+6)))~~ ((5)) "General contractor/construction manager" means a firm
23 with which a public body has selected and negotiated a maximum
24 allowable construction cost to provide services during the design phase
25 and to act as construction manager and general contractor during the
26 construction phase.

27 ~~((+7)))~~ ((6)) "Job order contract" means a contract in which the
28 contractor agrees to a fixed period, indefinite quantity delivery order
29 contract which provides for the use of negotiated, definitive work
30 orders for public works as defined in RCW 39.04.010.

31 ~~((+8)))~~ ((7)) "Job order contractor" means a registered or licensed
32 contractor awarded a job order contract.

33 ~~((+9)))~~ ((8)) "Maximum allowable construction cost" means the maximum
34 cost of the work to construct the project including a percentage for
35 risk contingency, negotiated support services, and approved change
36 orders.

1 ((+10+)) (9) "Negotiated support services" means items a general
2 contractor would normally manage or perform on a construction project
3 including, but not limited to surveying, hoisting, safety enforcement,
4 provision of toilet facilities, temporary heat, cleanup, and trash
5 removal.

6 ((+11+)) (10) "Percent fee" means the percentage amount to be
7 earned by the general contractor/construction manager as overhead and
8 profit.

9 ((+12+)) (11) "Public body" means any general or special purpose
10 government, including but not limited to state agencies, institutions
11 of higher education, counties, cities, towns, ports, school districts,
12 and special purpose districts.

13 ((+13+)) (12) "Certified public body" means a public body certified
14 to use design-build or general contractor/construction manager
15 contracting procedures, or both, under RCW 39.10.270.

16 ((+14+)) (13) "Public works project" means any work for a public
17 body within the definition of "public work" in RCW 39.04.010.

18 ((+15+)) (14) "Total project cost" means the cost of the project
19 less financing and land acquisition costs.

20 ((+16+)) (15) "Unit price book" means a book containing specific
21 prices, based on generally accepted industry standards and information,
22 where available, for various items of work to be performed by the job
23 order contractor. The prices may include: All the costs of materials;
24 labor; equipment; overhead, including bonding costs; and profit for
25 performing the items of work. The unit prices for labor must be at the
26 rates in effect at the time the individual work order is issued.

27 ((+17+)) (16) "Work order" means an order issued for a definite
28 scope of work to be performed pursuant to a job order contract.

29 **Sec. 24.** RCW 39.10.230 and 2007 c 494 s 103 are each amended to
30 read as follows:

31 The ~~((board has the following powers and duties))~~ department shall:

32 (1) Develop and recommend to the legislature policies to further
33 enhance the quality, efficiency, and accountability of capital
34 construction projects through the use of traditional and alternative
35 delivery methods in Washington, and make recommendations regarding
36 expansion, continuation, elimination, or modification of the
37 alternative public works contracting methods;

1 (2) Evaluate the use of existing contracting procedures and
2 potential future use of other alternative contracting procedures
3 including competitive negotiation contracts; and

4 (3) ~~((Appoint members of the committee; and~~
5 ~~(4)))~~ Develop and administer questionnaires designed to provide
6 quantitative and qualitative data on alternative public works
7 contracting procedures on which evaluations are based.

8 **Sec. 25.** RCW 39.10.250 and 2007 c 494 s 105 are each amended to
9 read as follows:

10 The ~~((committee))~~ department shall:

11 (1) Certify, or recertify, public bodies for a period of three
12 years to use the design-build or general contractor/construction
13 manager, or both, contracting procedures for projects with a total
14 project cost of ten million dollars or more;

15 (2) Review and approve the use of the design-build or general
16 contractor/construction manager contracting procedures on a project by
17 project basis for public bodies that are not certified under RCW
18 39.10.270; and

19 (3) Review and approve the use of the general
20 contractor/construction manager contracting procedure by certified
21 public bodies for projects with a total project cost under ten million
22 dollars.

23 **Sec. 26.** RCW 39.10.270 and 2007 c 494 s 107 are each amended to
24 read as follows:

25 (1) A public body may apply for certification to use the design-
26 build or general contractor/construction manager contracting procedure,
27 or both. Once certified, a public body may use the contracting
28 procedure for which it is certified on individual projects with a total
29 project cost over ten million dollars without seeking ~~((committee))~~
30 department approval. The certification period is three years. A
31 public body seeking certification must submit to the ~~((committee))~~
32 department an application in a format and manner as prescribed by the
33 ~~((committee))~~ department. The application must include a description
34 of the public body's qualifications, its capital plan during the
35 certification period, and its intended use of alternative contracting
36 procedures.

1 (2) To certify a public body, the ((committee)) department shall
2 determine that the public body:

3 (a) Has the necessary experience and qualifications to determine
4 which projects are appropriate for using alternative contracting
5 procedures;

6 (b) Has the necessary experience and qualifications to carry out
7 the alternative contracting procedure including, but not limited to:

8 (i) Project delivery knowledge and experience; (ii) personnel with
9 appropriate construction experience; (iii) a management plan and
10 rationale for its alternative public works projects; (iv) demonstrated
11 success in managing public works projects; (v) demonstrated success in
12 managing at least one general contractor/construction manager or
13 design-build project within the previous five years; (vi) the ability
14 to properly manage its capital facilities plan including, but not
15 limited to, appropriate project planning and budgeting experience; and
16 (vii) the ability to meet requirements of this chapter; and

17 (c) Has resolved any audit findings on previous public works
18 projects in a manner satisfactory to the ((committee)) department.

19 (3) ~~((The committee shall, if practicable, make its determination~~
20 ~~at the public meeting during which an application for certification is~~
21 ~~reviewed.))~~ Public comments must be considered before a determination
22 is made. Within ten business days of the public meeting, the
23 ((committee)) department shall provide a written determination to the
24 public body, and make its determination available to the public on the
25 ((committee's)) department's web site.

26 (4) The ((committee)) department may revoke any public body's
27 certification upon a finding, after a public hearing, that its use of
28 design-build or general contractor/construction manager contracting
29 procedures no longer serves the public interest.

30 (5) The ((committee)) department may renew the certification of a
31 public body for one additional three-year period. The public body must
32 submit an application for recertification at least three months before
33 the initial certification expires. The application shall include
34 updated information on the public body's capital plan for the next
35 three years, its intended use of the procedures, and any other
36 information requested by the ((committee)) department. The
37 ((committee)) department must review the application for
38 recertification ~~((at a meeting held))~~ before expiration of the

1 applicant's initial certification period. A public body must reapply
2 for certification under the process described in subsection (1) of this
3 section once the period of recertification expires.

4 (6) Certified public bodies must submit project data information as
5 required in RCW 39.10.320 and 39.10.350.

6 **Sec. 27.** RCW 39.10.280 and 2007 c 494 s 108 are each amended to
7 read as follows:

8 (1) A public body not certified under RCW 39.10.270 must apply for
9 approval from the ((committee)) department to use the design-build or
10 general contractor/construction manager contracting procedure on a
11 project. A public body seeking approval must submit to the
12 ((committee)) department an application in a format and manner as
13 prescribed by the ((committee)) department. The application must
14 include a description of the public body's qualifications, a
15 description of the project, and its intended use of alternative
16 contracting procedures.

17 (2) To approve a proposed project, the ((committee)) department
18 shall determine that:

19 (a) The alternative contracting procedure will provide a
20 substantial fiscal benefit or the use of the traditional method of
21 awarding contracts in lump sum to the low responsive bidder is not
22 practical for meeting desired quality standards or delivery schedules;

23 (b) The proposed project meets the requirements for using the
24 alternative contracting procedure as described in RCW 39.10.300 or
25 39.10.340;

26 (c) The public body has the necessary experience or qualified team
27 to carry out the alternative contracting procedure including, but not
28 limited to: (i) Project delivery knowledge and experience; (ii)
29 sufficient personnel with construction experience to administer the
30 contract; (iii) a written management plan that shows clear and logical
31 lines of authority; (iv) the necessary and appropriate funding and time
32 to properly manage the job and complete the project; (v) continuity of
33 project management team, including personnel with experience managing
34 projects of similar scope and size to the project being proposed; and
35 (vi) necessary and appropriate construction budget;

36 (d) For design-build projects, construction personnel independent

1 of the design-build team are knowledgeable in the design-build process
2 and are able to oversee and administer the contract; and

3 (e) The public body has resolved any audit findings related to
4 previous public works projects in a manner satisfactory to the
5 ~~((committee))~~ department.

6 (3) ~~((The committee shall, if practicable, make its determination
7 at the public meeting during which a submittal is reviewed.))~~ Public
8 comments must be considered before a determination is made.

9 (4) ~~((Within ten business days after the public meeting, the
10 committee))~~ The department shall provide a written determination to the
11 public body, and make its determination available to the public on the
12 ~~((committee's))~~ department's web site. ~~((If the committee fails to
13 make a written determination within ten business days of the public
14 meeting, the request of the public body to use the alternative
15 contracting procedure on the requested project shall be deemed
16 approved.))~~

17 (5) The requirements of subsection (1) of this section also apply
18 to certified public bodies seeking to use the general
19 contractor/construction manager contracting procedure on projects with
20 a total project cost of less than ten million dollars.

21 (6) Failure of the ~~((committee))~~ department to meet within sixty
22 calendar days of a public body's application to use an alternative
23 contracting procedure on a project shall be deemed an approval of the
24 application.

25 **Sec. 28.** RCW 39.10.290 and 2007 c 494 s. 109 are each amended to
26 read as follows:

27 Final determinations by the ~~((committee))~~ department may be
28 appealed ~~((to the board))~~ within seven days by the public body or by an
29 interested party. A written notice of an appeal must be provided to
30 the ~~((committee))~~ department and, as applicable, to the public body.
31 ~~((The board shall resolve an appeal))~~ Appeals are under the
32 administrative procedures act and must be resolved within forty-five
33 days of receipt of the appeal and ~~((shall send))~~ a written
34 determination of its decision must be sent to the party making the
35 appeal and to the appropriate public body, as applicable. ~~((The public
36 body shall comply with the determination of the board.))~~

1 **Sec. 29.** RCW 39.10.320 and 2007 c 494 s 203 are each amended to
2 read as follows:

3 (1) A public body utilizing the design-build contracting procedure
4 shall provide for:

5 (a) Reasonable budget contingencies totaling not less than five
6 percent of the anticipated contract value;

7 (b) Employment of staff or consultants with expertise and prior
8 experience in the management of comparable projects;

9 (c) Contract documents that include alternative dispute resolution
10 procedures to be attempted prior to the initiation of litigation;

11 (d) Submission of project information, as required by the ((~~board~~))
12 department; and

13 (e) Contract documents that require the contractor, subcontractors,
14 and designers to submit project information required by the ((~~board~~))
15 department.

16 (2) A public body utilizing the design-build contracting procedure
17 may provide incentive payments to contractors for early completion,
18 cost savings, or other goals if such payments are identified in the
19 request for proposals.

20 **Sec. 30.** RCW 39.10.350 and 2007 c 494 s 302 are each amended to
21 read as follows:

22 (1) A public body using the general contractor/construction manager
23 contracting procedure shall provide for:

24 (a) The preparation of appropriate, complete, and coordinated
25 design documents;

26 (b) Confirmation that a constructability analysis of the design
27 documents has been performed prior to solicitation of a subcontract bid
28 package;

29 (c) Reasonable budget contingencies totaling not less than five
30 percent of the anticipated contract value;

31 (d) To the extent appropriate, on-site architectural or engineering
32 representatives during major construction or installation phases;

33 (e) Employment of staff or consultants with expertise and prior
34 experience in the management of comparable projects, critical path
35 method schedule review and analysis, and the administration, pricing,
36 and negotiation of change orders;

1 (f) Contract documents that include alternative dispute resolution
2 procedures to be attempted before the initiation of litigation;

3 (g) Contract documents that: (i) Obligate the public owner to
4 accept or reject a request for equitable adjustment, change order, or
5 claim within a specified time period but no later than sixty calendar
6 days after the receipt by the public body of related documentation; and
7 (ii) provide that if the public owner does not respond in writing to a
8 request for equitable adjustment, change order, or claim within the
9 specified time period, the request is deemed denied;

10 (h) Submission of project information, as required by the ((board))
11 department; and

12 (i) Contract documents that require the contractor, subcontractors,
13 and designers to submit project information required by the ((board))
14 department.

15 (2) A public body using the general contractor/construction manager
16 contracting procedure may include an incentive clause for early
17 completion, cost savings, or other performance goals if such incentives
18 are identified in the request for proposals. No incentives granted may
19 exceed five percent of the maximum allowable construction cost. No
20 incentives may be paid from any contingency fund established for
21 coordination of the construction documents or coordination of the work.

22 (3) If the construction is completed for less than the maximum
23 allowable construction cost, any savings not otherwise negotiated as
24 part of an incentive clause shall accrue to the public body. If the
25 construction is completed for more than the maximum allowable
26 construction cost, the additional cost is the responsibility of the
27 general contractor/construction manager.

28 (4) If the public body and the general contractor/construction
29 manager agree, in writing, on a price for additional work, the public
30 body must issue a change order within thirty days of the written
31 agreement. If the public body does not issue a change order within the
32 thirty days, interest shall accrue on the dollar amount of the
33 additional work satisfactorily completed until a change order is
34 issued. The public body shall pay this interest at a rate of one
35 percent per month.

36 **Sec. 31.** RCW 39.10.430 and 2007 c 494 s 402 are each amended to
37 read as follows:

1 (1) Job order contracts shall be awarded through a competitive
2 process using public requests for proposals.

3 (2) The public body shall make an effort to solicit proposals from
4 certified minority or certified woman-owned contractors to the extent
5 permitted by the Washington state civil rights act, RCW 49.60.400.

6 (3) The public body shall publish, at least once in a statewide
7 publication and legal newspaper of general circulation published in
8 every county in which the public works project is anticipated, a
9 request for proposals for job order contracts and the availability and
10 location of the request for proposal documents. The public body shall
11 ensure that the request for proposal documents at a minimum includes:

12 (a) A detailed description of the scope of the job order contract
13 including performance, technical requirements and specifications,
14 functional and operational elements, minimum and maximum work order
15 amounts, duration of the contract, and options to extend the job order
16 contract;

17 (b) The reasons for using job order contracts;

18 (c) A description of the qualifications required of the proposer;

19 (d) The identity of the specific unit price book to be used;

20 (e) The minimum contracted amount committed to the selected job
21 order contractor;

22 (f) A description of the process the public body will use to
23 evaluate qualifications and proposals, including evaluation factors and
24 the relative weight of factors. The public body shall ensure that
25 evaluation factors include, but are not limited to, proposal price and
26 the ability of the proposer to perform the job order contract. In
27 evaluating the ability of the proposer to perform the job order
28 contract, the public body may consider: The ability of the
29 professional personnel who will work on the job order contract; past
30 performance on similar contracts; ability to meet time and budget
31 requirements; ability to provide a performance and payment bond for the
32 job order contract; recent, current, and projected workloads of the
33 proposer; location; and the concept of the proposal;

34 (g) The form of the contract to be awarded;

35 (h) The method for pricing renewals of or extensions to the job
36 order contract;

37 (i) A notice that the proposals are subject to RCW 39.10.470; and

38 (j) Other information relevant to the project.

1 (4) A public body shall establish a committee to evaluate the
2 proposals. After the committee has selected the most qualified
3 finalists, the finalists shall submit final proposals, including sealed
4 bids based upon the identified unit price book. Such bids may be in
5 the form of coefficient markups from listed price book costs. The
6 public body shall award the contract to the firm submitting the highest
7 scored final proposal using the evaluation factors and the relative
8 weight of factors published in the public request for proposals and
9 will notify the ((board)) department of the award of the contract.

10 (5) The public body shall provide a protest period of at least ten
11 business days following the day of the announcement of the apparent
12 successful proposal to allow a protester to file a detailed statement
13 of the grounds of the protest. The public body shall promptly make a
14 determination on the merits of the protest and provide to all proposers
15 a written decision of denial or acceptance of the protest. The public
16 body shall not execute the contract until two business days following
17 the public body's decision on the protest.

18 (6) The requirements of RCW 39.30.060 do not apply to requests for
19 proposals for job order contracts.

20 **Sec. 32.** RCW 39.10.460 and 2007 c 494 s 405 are each amended to
21 read as follows:

22 A public body shall provide to the ((board)) department the
23 following information for each job order contract at the end of each
24 contract year:

- 25 (1) A list of work orders issued;
26 (2) The cost of each work order;
27 (3) A list of subcontractors hired under each work order;
28 (4) If requested by the ((board)) department, a copy of the intent
29 to pay prevailing wage and the affidavit of wages paid for each work
30 order subcontract; and
31 (5) Any other information requested by the ((board)) department.

32 **Sec. 33.** RCW 43.131.408 and 2007 c 494 s 507 are each amended to
33 read as follows:

34 The following acts or parts of acts, as now existing or hereafter
35 amended, are each repealed, effective June 30, 2014:

- 36 (1) RCW 39.10.200 and 2007 c 494 § 1 & 1994 c 132 § 1;

1 (2) RCW 39.10.210 and section 23 of this act, 2007 c 494 § 101, &
2 2005 c 469 § 3;
3 (~~((4))~~) (~~RCW 39.10.220 and 2007 c 494 § 102 & 2005 c 377 § 1,~~
4 ~~(4))~~) RCW 39.10.230 and section 24 of this act, 2007 c 494 § 103,
5 & 2005 c 377 § 2;
6 (~~((5))~~) (~~RCW 39.10.240 and 2007 c 494 § 104,~~
7 ~~(6))~~) (4) RCW 39.10.250 and section 25 of this act & 2007 c 494 §
8 105;
9 (~~((7))~~) (~~RCW 39.10.260 and 2007 c 494 § 106,~~
10 ~~(8))~~) (5) RCW 39.10.270 and section 26 of this act & 2007 c 494 §
11 107;
12 (~~((9))~~) (6) RCW 39.10.280 and section 27 of this act & 2007 c 494
13 § 108;
14 (~~((10))~~) (7) RCW 39.10.290 and section 28 of this act & 2007 c 494
15 § 109;
16 (~~((11))~~) (8) RCW 39.10.300 and 2007 c 494 § 201, 2003 c 352 § 2,
17 2003 c 300 § 4, 2002 c 46 § 1, & 2001 c 328 § 2;
18 (~~((12))~~) (9) RCW 39.10.310 and 2007 c 494 § 202 & 1994 c 132 § 8;
19 (~~((13))~~) (10) RCW 39.10.320 and section 29 of this act, 2007 c 494
20 § 203, & 1994 c 132 § 7;
21 (~~((14))~~) (11) RCW 39.10.330 and 2007 c 494 § 204;
22 (~~((15))~~) (12) RCW 39.10.340 and 2007 c 494 § 301, 2003 c 352 § 3,
23 2003 c 300 § 5, 2002 c 46 § 2, & 2001 c 328 § 3;
24 (~~((16))~~) (13) RCW 39.10.350 and section 30 of this act & 2007 c 494
25 § 302;
26 (~~((17))~~) (14) RCW 39.10.360 and 2007 c 494 § 303;
27 (~~((18))~~) (15) RCW 39.10.370 and 2007 c 494 § 304;
28 (~~((19))~~) (16) RCW 39.10.380 and 2007 c 494 § 305;
29 (~~((20))~~) (17) RCW 39.10.390 and 2007 c 494 § 306;
30 (~~((21))~~) (18) RCW 39.10.400 and 2007 c 494 § 307;
31 (~~((22))~~) (19) RCW 39.10.410 and 2007 c 494 § 308;
32 (~~((23))~~) (20) RCW 39.10.420 and 2007 c 494 § 401 & 2003 c 301 § 1;
33 (~~((24))~~) (21) RCW 39.10.430 and section 31 of this act & 2007 c 494
34 § 402;
35 (~~((25))~~) (22) RCW 39.10.440 and 2007 c 494 § 403;
36 (~~((26))~~) (23) RCW 39.10.450 and 2007 c 494 § 404;
37 (~~((27))~~) (24) RCW 39.10.460 and section 32 of this act & 2007 c 494
38 § 405;

1 (~~((+28+))~~) (25) RCW 39.10.470 and 2005 c 274 § 275 & 1994 c 132 § 10;
2 (~~((+29+))~~) (26) RCW 39.10.480 and 1994 c 132 § 9;
3 (~~((+30+))~~) (27) RCW 39.10.490 and 2007 c 494 § 501 & 2001 c 328 § 5;
4 (~~((+31+))~~) (28) RCW 39.10.500 and 2007 c 494 § 502;
5 (~~((+32+))~~) (29) RCW 39.10.510 and 2007 c 494 § 503;
6 (~~((+33+))~~) (30) RCW 39.10.900 and 1994 c 132 § 13;
7 (~~((+34+))~~) (31) RCW 39.10.901 and 1994 c 132 § 14; and
8 (~~((+35+))~~) (32) RCW 39.10.903 and 2007 c 494 § 510.

9 **Sec. 34.** RCW 39.04.350 and 2007 c 133 s 2 are each amended to read
10 as follows:

11 (1) Before award of a public works contract, a bidder must meet the
12 following responsibility criteria to be considered a responsible bidder
13 and qualified to be awarded a public works project. The bidder must:

14 (a) At the time of bid submittal, have a certificate of
15 registration in compliance with chapter 18.27 RCW;

16 (b) Have a current state unified business identifier number;

17 (c) If applicable, have industrial insurance coverage for the
18 bidder's employees working in Washington as required in Title 51 RCW;
19 an employment security department number as required in Title 50 RCW;
20 and a state excise tax registration number as required in Title 82 RCW;
21 and

22 (d) Not be disqualified from bidding on any public works contract
23 under RCW 39.06.010 or 39.12.065(3).

24 (2) In addition to the bidder responsibility criteria in subsection
25 (1) of this section, the state or municipality may adopt relevant
26 supplemental criteria for determining bidder responsibility applicable
27 to a particular project which the bidder must meet.

28 (a) Supplemental criteria for determining bidder responsibility,
29 including the basis for evaluation and the deadline for appealing a
30 determination that a bidder is not responsible, must be provided in the
31 invitation to bid or bidding documents.

32 (b) In a timely manner before the bid submittal deadline, a
33 potential bidder may request that the state or municipality modify the
34 supplemental criteria. The state or municipality must evaluate the
35 information submitted by the potential bidder and respond before the
36 bid submittal deadline. If the evaluation results in a change of the

1 criteria, the state or municipality must issue an addendum to the
2 bidding documents identifying the new criteria.

3 (c) If the bidder fails to supply information requested concerning
4 responsibility within the time and manner specified in the bid
5 documents, the state or municipality may base its determination of
6 responsibility upon any available information related to the
7 supplemental criteria or may find the bidder not responsible.

8 (d) If the state or municipality determines a bidder to be not
9 responsible, the state or municipality must provide, in writing, the
10 reasons for the determination. The bidder may appeal the determination
11 within the time period specified in the bidding documents by presenting
12 additional information to the state or municipality. The state or
13 municipality must consider the additional information before issuing
14 its final determination. If the final determination affirms that the
15 bidder is not responsible, the state or municipality may not execute a
16 contract with any other bidder until two business days after the bidder
17 determined to be not responsible has received the final determination.

18 (3) The (~~capital projects advisory review board created in RCW~~
19 ~~39.10.800~~) department of general administration shall develop
20 suggested guidelines to assist the state and municipalities in
21 developing supplemental bidder responsibility criteria. The guidelines
22 must be posted on the board's web site.

23 Capitol Campus Design Advisory Committee

24 NEW SECTION. **Sec. 35.** RCW 43.34.080 (Capitol campus design
25 advisory committee--Generally) and 1990 c 93 s 1 are each repealed.

26 Chemical Dependency Certification Advisory Committee

27 NEW SECTION. **Sec. 36.** RCW 18.205.080 (Chemical dependency
28 certification advisory committee--Composition--Terms) and 1998 c 243 s
29 8 are each repealed.

30 **Sec. 37.** RCW 18.205.020 and 2008 c 135 s 15 are each amended to
31 read as follows: